

**REMARKS**

This Amendment is filed in response to the Office Action mailed on September 30, 2005. All objections and rejection are respectfully reversed.

Claims 1 to 27 are in the application and are currently pending.

Claims 14 to 27 are added to better claim the invention

At paragraphs 1-3 of the Office Action claims 1-13 were rejected under 35 U.S.C. § 102 as being anticipated by Seaman et al., US Patent No. 6,262,977, Issued on July 17, 2001, hereinafter Seaman.

The present invention, as set forth in representative claim 1 comprises in part:

1. In an intermediate network device having a plurality of ports for forwarding network messages within a bridged network, a method for efficiently transitioning the ports among a plurality of spanning tree protocol (STP) states, the method comprising the steps of:  
    executing the STP at the intermediate network device so as to elect a root of the bridged network and to assign one of the device's ports to a Root Port Role, one or more of the device's ports to an Alternate Port Role, and one or more of the device's ports to a Designated Port Role;  
    transitioning the ports assigned to the Root Port Role and the Designated Port Role to a forwarding STP state;  
    transitioning the one or more ports assigned to the Alternate Port Role to a discarding STP state;  
    *receiving a bridge protocol data unit (BPDU) message, the BPDU message having a proposal flag that is asserted; and*  
    *if the BPDU message was received on the port assigned the Root Port Role, leaving the one or more ports assigned to the Designated Port Role in the forwarding STP state, provided that the one or more ports assigned to the Alternate Port Role are in the discarding STP state.*

By way of background, Seaman describes an improvement to the spanning tree protocol using a next best route port. When a failure occurs on a designated port, then the designated port is blocked, and a back-up alternate port is transitioned into a forwarding state.

Applicant respectfully urges that Seaman does not disclose Applicant's claimed novel *receiving a bridge protocol data unit (BPDU) message, the BPDU message having a proposal flag that is asserted; and if the BPDU message was received on the port assigned the Root Port Role, leaving the one or more ports assigned to the Designated Port Role in the forwarding STP state, provided that the one or more ports assigned to the Alternate Port Role are in the discarding STP state.* In further detail, Applicant's invention allows the port roles to remain the same when BPDU message having a proposal flag that is asserted is received at the Root Role Port. In sharp contrast, Seaman describes a system for using a backup alternate path upon a failure by a designated port. There is no description in Seaman of transitioning or leaving the settings the same of a port role upon receiving a *BPDU message having a proposal flag that is asserted.*

Accordingly, Applicant respectfully urges that the Seaman patent is legally precluded from anticipating the claimed invention under 35 U.S.C. §102 because of the absence from the Seaman patent of Applicant's *receiving a bridge protocol data unit (BPDU) message, the BPDU message having a proposal flag that is asserted; and if the BPDU message was received on the port assigned the Root Port Role, leaving the one or more ports assigned to the Designated Port Role in the forwarding STP state, pro-*

*vided that the one or more ports assigned to the Alternate Port Role are in the discard-  
ing STP state.*

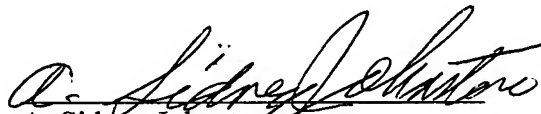
All independent claims are believed to be in condition for allowance.

All dependent claims are believed to be dependent from allowable independent  
claims, and therefore in condition for allowance.

Favorable action is respectfully solicited,

Please charge any additional fee occasioned by this paper to our Deposit Account  
No. 03-1237.

Respectfully submitted,



A. Sidney Johnston  
Reg. No. 29,548  
CESARI AND MCKENNA, LLP  
88 Black Falcon Avenue  
Boston, MA 02210-2414  
(617) 951-2500